

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16435 of William Martin, pursuant to 11 DCMR 3107.2, for a variance from Subsection 771.2, the allowable floor area ratio requirements; a variance from Subsection 774.1, the rear yard setback requirements; and a variance from Subsection 2001.3(b) and (c) to allow an enlargement to an existing non-conforming structure devoted to a conforming use located in a C-2-A District at premises 1264 Wisconsin Avenue, NW (Square 1218, Lot 836).

HEARING DATE: May 19, 1999

DECISION DATE: May 19, 1999 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 2E and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 2E. ANC 2E, which is automatically a party to this application, submitted a written statement in support of the application.

As directed by 11 DCMR 3324.2, the Board required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR Subsections 771.2, 774.1 and 2001.3(b) and (c). No person or entity appearing as a party to this case testified in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

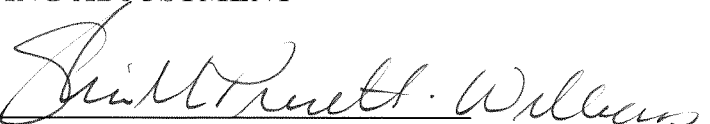
Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, that there exists an exceptional or extraordinary situation or condition related to the property which creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party and is appropriate in this case.

VOTE: 4 – 0 (Jerry Gilreath, Sheila Cross Reid, Betty King and Angel Clarens to grant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


SHERI M. PRUITT-WILLIAMS
Interim Director

FINAL DATE OF ORDER: MAY 28 1999

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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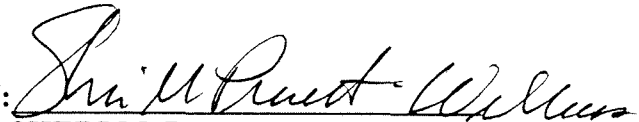
BZA APPLICATION NO. 16435

As Interim Director of the Office of Zoning, I hereby certify and attest that on MAY 28 1999 a copy of the order entered on that date in this matter before the Board of Zoning Adjustment was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Robert R. Hetem
2611 O Street, NW
Washington, DC 20007

Jonda McFarlane, Chairperson
Advisory Neighborhood Commission 2E
3265 S Street, NW
Washington, DC 20007

ATTESTED BY:


SHERI M. PRUITT-WILLIAMS
Interim Director

DATE: MAY 28 1999